

SENATOR HANNIBAL: I have a tendency to agree with you. I will support your amendment.

SENATOR HALL: Thank you.

SPEAKER BARRETT: Any other discussion? Seeing none, Senator Hall, would you like to close.

SENATOR HALL: Just very simply, Mr. President, the amendment would strike the penalty provision which I feel is totally unfair, unwarranted and is not something that really was or can be justified by any of the lawsuits that are currently before the courts. I would urge the adoption of the amendment.

SPEAKER BARRETT: Thank you. The question before the body is the adoption of the amendment to the amendment to LB 2. All in favor vote aye, opposed nay. Record, please.

CLERK: 33 ayes, 7 nays, Mr. President, on adoption of Senator Hall's amendment to the committee amendments.

SPEAKER BARRETT: The motion is adopted. The next item.

CLERK: Mr. President, Senator Withem would move to amend the committee amendments by striking Sections 3, 5, and 6. (The Withem amendment appears on page 108 of the Legislative Journal.)

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Mr. Speaker and members of the body, this is a simple amendment. It has not been distributed but all you have to do is take the sheet that is given to you by Senator Tim Hall. We have just taken Section 1 and X'd that out. If you adopt this amendment, Sections 3, 5 and 6 will be X'd out. What they say is that only those people who actually go through the process, in most cases retaining an attorney, not necessarily, they could do it on their own, but only those individuals who actually physically file an appeal will be able to take advantage of a refund, if the tax is illegal or unconstitutional. Let me explain to you a worse case scenario. But this is one...my understanding of what this amendment does is very physically possible to happen. Let's assume this Legislature, in not one of our brighter moments, passes a bill next year that puts a state property tax specifically on